IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1457 OF 2006

MOHAMED SHAHID ABDUL MAJID QURESHI ..PETITIONER

V/S

THE SPECIAL EXECUTIVE MAGISTRATE

& ORS. ..RESPONDENTS

MR. MOHAN DHARMARAJ FOR THE PETITIONER.

MR. Y.S. SHINDE - APP FOR STATE.

CORAM: V.M. KANADE, J.

DATE : 14TH SEPTEMBER, 2007.

P.C.

1. Heard learned counsel for the petitioner and the learned APP for the State. By this petition, the petitioner is challenging the show cause notice dated 17-12-2005 issued by the Respondent under the provisions of section 107, 111, 116 and 117 of the Code of Criminal Procedure. The petitioner, in the show cause notice was asked to show cause why proceeding should not be initiated under the aforesaid provisions in view of the complaint received by the police from his wife alleging harassment by the petitioner. The counsel for the petitioner submits that the show cause notice also states why he should not be asked to execute a bond for

a period of 6 months from the date of the notice. He submits that as the said period is over the show cause notice does not survive. There is some substance in the submissions made by the learned counsel for the petitioner. The said proceeding therefore has lapsed and in case, if there is any further complaint made by the wife, it is always open for them to consider issuing fresh show cause notice. In any case in view of the fact that the notice itself has now become infructuous, the writ petition is disposed of in above terms.

(V.M. KANADE, J)